

State of Kansas

Department of Health
and Environment

Notice of Hearing

The Kansas Department of Health and Environment has prepared a proposed Kansas Water Pollution Control Permit, A-BBMS-S053, for Lee Kohake, located in Axtell, Kansas. The proposed permit is for a new facility for 2,499 head (999.6 animal units) of swine weighing more than 55 pounds for an enclosed swine building with an underground concrete manure waste pit that will be constructed at this site. The facility is located in the SE/4 of Section 27, Township 2 South, Range 10 East in Marshall County, Kansas. A notice in the Kansas Register dated March 28, 2013, informed the public of the availability of the proposed water pollution control permit for Lee Kohake.

In conformance with Kansas Administrative Regulation 28-16-61, a public hearing on the proposed permit has been scheduled at 5:30 p.m. Thursday, July 11, at the Axtell Firehouse, 306 Maple St., Axtell.

Copies of the permit application, the proposed KDHE permit, and other pertinent documents may be viewed at the following address or may be obtained by contacting the Kansas Department of Health and Environment, Bureau of Water, Livestock Waste Management Section, 1000 S.W. Jackson, Suite 420, Topeka, 66612-1367, 785-296-6432 or fax 785-296-5509. Appropriate copying charges will be assessed for each request.

Robert Moser, M.D.
Secretary of Health
and Environment

Doc. No. 041626

State of Kansas

Department of Health
and EnvironmentNotice of Hearing on Proposed
Administrative Regulations

The Kansas Department of Health and Environment, Division of Environment, Bureau of Waste Management (BWM), will conduct a public hearing at 1:30 p.m. Tuesday, August 6, in Room 530, Curtis State Office Building, 1000 S.W. Jackson, Topeka, to consider the adoption of proposed new solid waste regulations K.A.R. 28-29-1600 through 28-29-1608 concerning land-spreading of drilling waste. In anticipation of increased horizontal drilling activity in Kansas, K.S.A. 65-3407c was amended to allow land-spreading of solid waste generated by drilling oil and gas wells with the approval of the Kansas Corporation Commission (KCC). A summary of the proposed regulations, environmental benefit and estimated economic impact follows.

Summary of Regulations:

K.A.R. 28-29-1600. Land-spreading; definitions and adoptions. This regulation defines terms that are used in K.A.R. 28-29-1601 through 28-29-1608 and adopts documents that are referenced in these regulations.

K.A.R. 28-29-1601. Land-spreading; general requirements. This regulation contains general information about the size of the disposal area, the time period, and the waste that will be covered by a single land-spreading application.

K.A.R. 28-29-1602. Land-spreading; application. This regulation describes in detail the certifications, maps, analyses and other information that must be included in a land-spreading application. The application fee is set in K.S.A. 65-3407c.

K.A.R. 28-29-1603. Land-spreading; sampling and analysis of soils. This regulation establishes the sampling procedures and the analytical requirements for determining the chloride concentration and the soil characteristics of the land-spreading site.

K.A.R. 28-29-1604. Land-spreading; conditions for disposal. Describes the criteria that must be met in order for the KCC to approve a land-spreading application. As required by K.S.A. 65-3407c(8), the regulation states that the application will not be approved if the water table is less than 10 feet below the surface, if there is documented groundwater contamination, or if less than three years have passed since the previous land-spreading occurred at the site. In addition, this regulation requires the following: the drilling mud must be water-based; the predicted radioactivity level from naturally occurring radioactive material (NORM) must be no more than 1.5 times the highest NORM level found in drilling waste samples collected from Kansas wells and no more than 370 Bq/kg (10 pCi/g); the chloride concentration in the soil must be less than 300 parts per million (ppm) if the disposal site has previously been used for land-spreading and less than 500 ppm if the disposal site has not previously been used for land-spreading; and the chloride concentration of any irrigation water must be less than 350 ppm. This regulation also establishes buffer zones and describes the topographic and soil profile criteria that must be met.

K.A.R. 28-29-1605. Land-spreading; sampling and analysis of drilling waste. This regulation establishes the sampling procedures and the analytical requirements for determining the chloride concentration of the drilling waste.

K.A.R. 28-29-1606. Land-spreading; determination of land-spreading rates. This regulation describes the procedures that must be followed to determine the amount of drilling waste that may be disposed of at a land-spreading site, based on the chloride concentrations of the soil and the drilling waste. The chloride concentration in the soil after land-spreading occurs must be no more than 900 ppm. The thickness of the drilling waste after it is spread may be no more than two inches.

K.A.R. 28-29-1607. Land-spreading; operating and management requirements. This regulation establishes the requirements for managing and land-spreading the drilling waste at the disposal site, including corrective measures, if required, and land restoration.

K.A.R. 28-29-1608. Land-spreading; reporting and record-keeping. This regulation describes what must be included in the land-spreading reports and which records must be kept by the operator.

(continued)

Environmental Benefit:

Historically, drilling waste has been disposed of in on-site pits or hauled to landfills. But land-spreading of drilling waste can improve the tilth of certain soils and avoid some of the problems associated with disposal of drilling waste in pits. When land-spreading is chosen as an alternative to disposal in a landfill, haul distances may be shorter, resulting in reduced air emissions, fossil fuel consumption, and road damage. These proposed amendments will help ensure that land-spreading of drilling waste is conducted in a manner that is protective of human health and the environment.

Economic Impact:

Well operators are only required to comply with these regulations if they choose to dispose of drilling waste by land-spreading rather than disposing of it in an on-site pit or in an off-site permitted landfill. Since no one is required to choose land-spreading as a disposal method, there are no capital costs or annual costs associated with complying with these regulations. In many cases, the operator will save money by choosing this method.

KCC will be the lead agency for implementing and enforcing these regulations, with technical and/or enforcement support from KDHE as needed. No additional staff will be required to implement these regulations beyond staff added by KCC in response to the increase in horizontal drilling and hydraulic fracturing.

The time period between the publication of this notice and August 9 serves as the required public comment period of at least 60 days for the purpose of receiving written public comments on the proposed regulatory action. All interested parties may submit written comments prior to 5 p.m. August 9 to Christine Mennicke, Kansas Department of Health and Environment, Bureau of Waste Management, 1000 S.W. Jackson, Suite 320, Topeka, 66612, by fax to 785-296-8909, or by email to cmennicke@kdheks.gov.

During the hearing on August 6, all interested parties will be given a reasonable opportunity to present their views orally on the proposed regulations as well as an opportunity to submit their written comments. In order to give all parties an opportunity to present their views, it may be necessary to require each participant to limit any oral presentation to an appropriate timeframe.

Copies of the proposed regulations and the corresponding regulatory impact statement may be obtained on the BWM website at www.kdheks.gov/waste/ or by contacting Christine Mennicke at 785-296-0724 or cmennicke@kdheks.gov. Questions pertaining to the proposed regulations should be directed to Christine Mennicke.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulations and the corresponding regulatory impact statement in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting Christine Mennicke.

Robert Moser, M.D.
Secretary of Health
and Environment

Doc. No. 041623

State of Kansas**Department of Health
and Environment****Notice Concerning Kansas/Federal Water
Pollution Control Permits and Applications**

In accordance with Kansas Administrative Regulations 28-16-57 through 63, 28-18-1 through 17, 28-18a-1 through 33, 28-16-150 through 154, 28-46-7, and the authority vested with the state by the administrator of the U.S. Environmental Protection Agency, various draft water pollution control documents (permits, notices to revoke and reissue, notices to terminate) have been prepared and/or permit applications have been received for discharges to waters of the United States and the state of Kansas for the class of discharges described below.

The proposed actions concerning the draft documents are based on staff review, applying the appropriate standards, regulations and effluent limitations of the state of Kansas and the Environmental Protection Agency. The final action will result in a Federal National Pollutant Discharge Elimination System Authorization and/or a Kansas Water Pollution Control permit being issued, subject to certain conditions, revocation and reissuance of the designated permit or termination of the designated permit.

**Public Notice No. KS-AG-13-137/141
Pending Permits for Confined Feeding Facilities**

Name and Address of Applicant	Legal Description	Receiving Water
John Deters Deters Dairy Farm 2253 E Rd. Baileyville, KS 66404	NE/4 of Section 15, T02S, R11E, Nemaha County	Missouri River Basin

Kansas Permit No. A-MONM-M014

This is a permit modification and reissuance for an existing dairy facility with the maximum capacity of 380 head (532 animal units) of mature dairy cows, 200 head (200 animal units) of dairy heifers weighing greater than 700 pounds, and 140 head (70 animal units) of dairy heifers weighing 700 pounds or less, for a total of 802 animal units of dairy cattle. Modifications are being proposed for the dry cow pen and east heifer pen to improve the control of surface runoff.

Name and Address of Applicant	Legal Description	Receiving Water
Stephen Summerlin – Seaboard Foods Tuttle #109-112, 115 and 128 2801 Hurliman Rd. Guymon, OK 73942	SE/4 of Section 09 & SW/4 & SE/4 of Section 15 & SW/4 of Section 16 & NE/ 4 & NW/4 of Section 22, T30S, R37W, Grant County	Cimarron River Basin

Kansas Permit No. A-CIGT-H002

Federal Permit No. KS0095788

This permit is being reissued for an existing swine facility for 64,800 head (6,480 animal units) of swine weighing 55 pounds or less. There is no change in the permitted animal units from the previous permit. An approved Nutrient Management Plan for the facility is on file with KDHE.

Name and Address of Applicant	Legal Description	Receiving Water
Gary Streit Gary Streit Farm 140 W. Hwy. 181 Tipton, KS 67485	NE/4 of Section 03, T09S, R11W, Osborne County	Solomon River Basin

Kansas Permit No. A-SOOB-B008